IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2581 OF 2007
IN
CRIMINAL APPEAL NO. OF 2007

Chandrabhaga Dairies Pvt.Ltd. .. Appellant
v/s.
Mr. Ravindra Shajirao Patil and another .. Respondents

Mr. A.S. Desai for the appellant.
Mr. D.P. Adsule, APP for the respondents.

CORAM : B.H. MARLAPALLE, J.
DATED : 8TH AUGUST, 2007

P.C.

Heard Mr. A.S. Desai, learned counsel for the appellant-company who has filed complaint bearing No. S.T.C. 4133/2001 for the offence punishable under section 138 of the Negotiable Instruments Act, 1881. The learned 4th Joint Judicial Magistrate, First Class, Pandharpur by his order dated 1.3.2007 was pleased to acquit the accused and the acquittal order is mainly based on two grounds viz. (i) there is no legal enforceable liability against which the cheque was issued and; (ii) the subject cheque was issued by way of security and not against any legal enforceable monetary liability.

2. The trial court referred to the scheme of section 139 of the Act and held that the accused had discharged his burden on both counts as stated hereinabove.

3. Hence the reasoning set out in the acquittal order does not call for any interference and consequently, leave to appeal is refused. Application is rejected.

(B.H. MARLAPALLE, J.)